

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EMMANUEL PENA and THOMAS D. BRIEL,

Plaintiffs,

-against-

MEMORANDUM & ORDER
16-CV-1554 (JS) (GRB)

ARMOR CORRECTIONAL HEALTH INC.,
et al.,

Defendants.

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APPEARANCES

For Plaintiff: Emmanuel Pena, pro se
10R2052
Downstate Correctional Facility
121 Red Schoolhouse Road
P.O. Box F
Fishkill, NY 12523

Thomas D. Briel, pro se
16000281
Nassau County Correctional Center
100 Carman Avenue
East Meadow, NY 11554

For Defendants: No appearances.

SEYBERT, District Judge:

By Memorandum & Order ("M&O") dated August 24, 2016, the Court dismissed all claims brought by pro se plaintiffs Emmanuel Pena ("Pena") and Thomas D. Briel ("Briel" and together, "Plaintiffs")¹ and granted Plaintiffs' leave to file an Amended

¹ Since the time the Complaint was filed, both Plaintiffs have been discharged from their respective places of incarceration and have not provided the Court with a new address. See Docket Entry Nos. 12-13, Mail sent to Pena at Downstate and to Briel at the Nassau Jail was returned on August 29, 2016 and marked "Return to Sender", "Discharged." Plaintiffs' failure to keep the Court apprised of any change of address makes it impossible for the Court to communicate with Plaintiffs.

Complaint within thirty (30) days from the date of the M&O. Plaintiffs were cautioned that their failure to timely amend the Complaint would lead to the dismissal of their claims with prejudice and this case would be marked closed.

To date, Plaintiffs have not filed an Amended Complaint nor have they otherwise communicated with the Court. Accordingly, Plaintiffs' Complaint is DISMISSED WITH PREJUDICE for failure to allege a plausible claim for relief and pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiffs at their last known address.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: February 7, 2017
Central Islip, New York